

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES**

Hilton Garden Inn, Williamsburg
1624 Richmond Road
Williamsburg, Virginia 23185
October 18, 2002

ADVOCATES' FORUM

8:00 a.m.

ADVOCATES PRESENT

Mary W. Towle, Regional Human Rights Advocate, Region II
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Beverly Garnes, Human Rights Advocate, SVTC
Stewart Prost, Human Rights Advocate, SEVTC

COMMITTEE MEMBERS PRESENT

Peter McIntosh, Chair
Joyce Bozeman
Angela Brosnan
Carol Gittman
Michael Marsh
Linda Martin
Carmen Thompson
Davey Zellmer

OTHER STAFF PRESENT

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary

OTHERS

Dana M. Johnson, Assistant Attorney General

Margaret Walsh, State Human Rights Director, gave the committee an update on current budget issues. Ms. Walsh described the process used to determine which departmental positions

to identify for layoff. Linda Martin asked how the cutback in personnel will affect the delivery of services. Ms. Walsh answered that some programs will no longer provide certain services depending on the amount of remaining funds, and how those funds are defined. She stated that this was just the first round of cutbacks. The Governor is expected to give another speech regarding further cut backs, consolidation of departments, etc.

Peter McIntosh said he has been working on organizing a teleconference for the continued consideration of a Variance that will be heard on December 6, 2002 in Richmond.

Ms. Walsh updated the committee on issues regarding the Northern Virginia Mental Health Institute Local Human Rights Committee (NVMHI LHRC). On September 11, 2002, Peter McIntosh, Jim Briggs, Davey Zellmer, Mary Towle and Margaret Walsh held a mandatory meeting for the NVMHI LHRC. This was a confidential meeting to discuss personnel issues because the LHRC is having difficulty in discharging and fulfilling its responsibilities. Those present discussed the philosophy and logistics of running LHRC meetings. Each member was asked to say what they felt were the problems with the effectiveness of the LHRC.

During the September 11 meeting, Margaret Walsh and Peter McIntosh reviewed the Hearing process. Five (5) of the seven (7) current NVMHI LHRC members recused themselves from hearing an upcoming appeal. The LHRC agreed to allow WSH LHRC to hear the appeal.

Jim Bowser reported that the Community Services Boards in Region IV will come together soon to discuss the formation of a regional LHRC. Mr. Bowser believes this may be in response to the issue of programs/CSBs having the responsibility of providing administrative support to LHRCs.

Mary Towle mentioned the issue of confidentiality when personnel provide support to more than one program or one LHRC. A brief discussion followed.

Margaret Walsh stated that a task force will meet on October 29, 2002 to discuss the effectiveness and efficiency of LHRCs.

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT:

Peter McIntosh, Chair
Joyce Bozeman
Angela Brosnan
Carol Gittman
Michael Marsh
Linda Martin
Carmen Thompson
Davey Zellmer

STAFF PRESENT:

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Mary W. Towle, Regional Human Rights Advocate, Region II
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Beverly Garnes, Human Rights Advocate, SVTC
Stewart Prost, Human Rights Advocate, SEVTC

OTHERS PRESENT:

Dana M. Johnson, Assistant Attorney General
Denise Webb, Administrator, Virginia Beach Psychiatric Center
Heather Fisher, Director of Nursing, Virginia Beach Psychiatric Center
Evelyn Carver, Nurse Clinical Manager, Virginia Beach Psychiatric Center
Margaret Miller, Director of Residential Services, Southside Virginia Training Center
Margie Tuck, SVTC LHRC
Bobby Tuck, SVTC LHRC

CALL TO ORDER:

The October 18, 2002, meeting of the State Human Rights Committee was called to order by Chairman Peter McIntosh. Mr. McIntosh lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

MINUTES:

The minutes of the September 6, 2002, meeting were unanimously approved.

VARIANCES:

Virginia Beach Psychiatric Center

Mr. Reginald T. Daye, Regional Advocate, Region V, introduced Ms. Denise Webb, Administrator, Ms. Heather Fisher, Director of Nursing, and Ms. Evelyn Carver, Nurse Clinical Manager, of the Virginia Beach Psychiatric Center. Ms. Webb described the Virginia Beach Psychiatric Center as a private, for profit, program designed to provide acute psychiatric services to children and adults.

Mr. Daye indicated that the Virginia Beach Psychiatric Center is requesting a variance to the following section of the Human Rights Regulations: 12 VAC 35-115-110, Item B13, *Use of Seclusion, Restraint and Time Out*. Mr. Daye indicated that approval of the variance will allow the program to implement its structured living policy, which exceeds the regulatory requirements of 30 minutes per episode for the use of time out.

A motion was made and unanimously passed to approve for one year the Virginia Beach Psychiatric Center variance request and structured living policy, subject to the following modifications and reporting requirements:

- **It should be noted in the policy that this procedure may not be utilized because an individual lacks motivation, or for failing to focus and progress toward their treatment goals.**
- **The structured living contract, Paragraph 2, Sentence 1, should be modified to read, “You have been placed on structured living due to your extremely disruptive behavior and/or negative influence on the community.”**
- **The Structured Living Policy Number 27 should be modified to read, “If it has been deemed medically necessary, the LHRC may allow the program to continue structured living in cases where the procedure has been utilized for three consecutive episodes. In order to consider the program’s requests, the LHRC must convene and vote to authorize the program to utilize structured living for each additional episode, not to exceed 72 hours.”**

The SHRC is also requesting:

- 1. The program report all cases which involve the use of Structured Living to the Local Human Rights Committee on a quarterly basis.**
- 2. The program provide an annual report to the State Human Rights Committee on the use of structured living. This should include the details of any violations of the policy and a comparison of the total use of structured living during the reporting year with that of the previous year. This may be done as a part of the request to renew the variance.**

REVIEW:

SVTC Proposal to Utilize Video Monitoring of Clients in Living Areas

Beverly Garnes, Human Rights Advocate, SVTC, introduced Margaret Miller, Director of Residential Services, Southside Virginia Training Center (SVTC). Ms. Garnes stated that Margie and Bobby Tuck, SVTC LHRC members, were present in the audience.

The facility is proposing video monitoring in common areas as a result of past cases of staff abusing clients and because of significant evidence of abuse with no indication of perpetrators. Ms. Miller stated the facility would acquire the consent of all clients/LARs before installing cameras in the four (4) extreme behavior areas of the training center. The cameras would record visual images without sound.

The motion was made and unanimously passed to approve the SVTC proposal to utilize video monitoring of clients in living areas with the following modifications:

- 1. Add “SVTC may conduct video monitoring in common areas for the purpose of enhancing investigation of critical incidents”. It must be clear that the cameras are not to be used for anything else, including treatment purposes or training.**
- 2. The placement of cameras must be expressly specified.**

Appeal:

Health Planning Region V: C.M.

This appeal is tabled until the December 6, 2002 meeting.

LHRC MEMBERSHIP:

The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code §2.1-344 A (15) for the purpose of reviewing Local Human Rights Committee nominations.

Upon reconvening in open session, the Committee unanimously passed a motion to appoint the following applicants to their respective Local Human Rights Committees.

Middle Peninsula /Northern Neck CSB

Appointment:

Elizabeth Foster

Presbyterian Homes & Family Services

Appointment:

Linda Strawbridge

Southern Virginia Mental Health Institute

Appointment:

Gracie Gunnell

Loudoun County Community

Appointment:

Phyllis Childers

Fairfax-Falls Church CSB

Appointment:

Loretta Redelman

Northern Virginia Training Center

Appointment:

Diann Sherwin

A motion was made and passed by a vote of 7:0 with 1 abstention to make the following appointment:

Catawba Hospital

Appointment:

Shari Thomas

State Human Rights Director's Report:

Margaret Walsh, State Human Rights Director, stated that the proposed 2003 SHRC meeting schedule will be presented on December 6, 2002 for approval.

Having no further business to discuss, the motion was made and passed to adjourn the meeting.

Respectfully submitted,

Peter McIntosh, Chair
State Human Rights Committee